REMARKS

This responds to the non-final Office Action dated 16 October 2007. Claims 1-10, 12-25, 27-34, and 36-46 are pending in the present application. Claims 1-10, 12-25, 27-34, and 36-46 stand rejected. Applicants respectfully request reconsideration in light of the following remarks.

Substance of the Interview

Applicants thank the Examiner for discussing the application with Applicant's undersigned representative on 11 January 2008. Claim 1 and the Boyter and Liang references were discussed. Although no agreement was reached, Applicants appreciate the Examiner's thoughts and insights with respect to the present application.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang

In this Action claims 1-4, 6-10, 12, 14-18, 20-24, 31, 36, and 44 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0212779 to Boyter et al. ("Boyter") in view of U.S. Patent Application No. 2005/0050335 to Liang et al. ("Liang"). Applicants respectfully traverse this rejection.

The Examiner has not established a prima facie case of obviousness with respect to claim 1. As noted in the MPEP, "to support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. P at. A pp. & Inter. 1985). Both Boyter and Liang fail to show, teach, or

suggest various features of claim 1, and one with skill in the art would not have found the features of claim 1 to be obvious in light of the teachings of these references. Both references fail to teach "performing remote agentless scanning of internal files and data" and "automatically performing a remote installation of a security software program," as recited in claim 1.

Both Boyter and Liang Fail to Teach Remote Agentless Scanning

Neither Boyter or Liang shows, teaches, or suggests "performing remote agentless scanning of internal files and data within the internal files on the first network device to determine internal security settings therefrom," as recited in claim 1. The Examiner notes that "Boyter et al. fails to perform remote agentless scanning of internal files and data within the internal files on the first network device." *Office Action, page 3.* The Examiner suggest that Liang, in paragraphs 0093-0097, remedies this deficiency of Boyter. *Office Action, page 4.* Applicants disagree.

Liang does not determine internal security settings of a network device by performing remote agentless scanning. Liang teaches that "a determination is made whether or not a proper set of anti-virus policies and protocols are in place" on a client device, but does not teach that the determination is made through remote agentless scanning. *Paragraph 0095.* Instead, Liang suggests an interactive process for determining whether the appropriate anti-virus software is installed on client devices. For example, Liang teaches that a "virus monitor 102 will perform an anti-virus security policy procedure whereby each of the client devices coupled to virus monitor 102 is queried in order to determine if that client device has the appropriate and proper anti-virus software installed," and "upon receiving the query 140, each of the client devices

checks for confirmation that the appropriate anti-virus software is indeed present." *Paragraphs 0053-0055.*

Liang's procedure for determining whether a client device has the appropriate and proper anti-virus software installed is not comparable to remote agentless scanning. In Liang, the client device itself checks for confirmation that the appropriate anti-virus software is present. Liang's self-check process is performed through local confirmation, not remote scanning. Indeed, remote agentless scanning is performed "without the use of software loaded" on the network device. *Paragraph 0030.* In contrast, Liang's process appears to utilize software on the client device to check for anti-virus software. Thus, with respect to determining internal security settings, Liang fails to teach remote agentless scanning and instead teaches a process quite different from remote agentless scanning. Accordingly, both Liang and Boyter fail to teach "performing remote agentless scanning to determine internal security settings," as recited in claim 1.

Both Boyter and Liang Fail to Teach Automatically Performing Remote Installation

Both Liang and Boyter also fail to show, teach, or suggest "automatically performing a remote installation of a security software program on the first network device if the internal security settings are not in compliance with the predefined network settings," as recited in claim 1. The Examiner notes that Boyter fails to teach this feature of claim 1. *Office Action, page 3.* However, the Examiner suggests that Liang, in paragraphs 0093-0097, teaches automatically performing a remote installation of a security software program. *Office Action, page 4.* Applicants disagree. Liang does not teach *automatically* performing a remote installation of a security software program. Instead, Liang teaches,

> [I]f ... it has been determined that the proper anti-virus policies and protocols are not in place, then at 1410, all access to all addresses except to that of an anti-virus software installation server are blocked. Once access to the anti-virus software installation server in granted at 1412, then **a determination at 1414 is made whether or not the appropriate anti-virus software is to be downloaded to the new visitor device.** If it is determined that the anti-virus software is not to be downloaded, then the process 1400 ends without the client device being connected to the network.

Paragraph 0097 (emphasis added). Liang teaches determining whether or not the anti-virus software is downloaded, and if the software is not downloaded, the device does not connected to the network. Thus, in Liang, the software is not automatically downloaded and Liang therefore fails to teach "automatically performing a remote installation of a security software program."

Claim 1 clearly distinguishes over any combination of Liang and Boyter because neither Liang nor Boyter shows, teaches, or suggests either "performing remote agentless scanning of internal files and data within the internal files on the first network device" or "automatically performing a remote installation of a security software program on the first network device." For at least this reason, Liang and Boyter do not support a case of prima facie obviousness with respect to claim 1.

Boyter and Liang, taken in any suitable combination, fail to make obvious the features of claim 1. These arguments apply to equal force to independent claims 15 and 21. Thus, independent claims 1, 15, and 21, as well as claims 2-4, 6-10, 12, 14, 16-18, 20, 22-24, 31, 36, and 44, which depend from claims 1, 15, and 21, are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Ivanov

Claim 38 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyter in view of Liang, and in further view of U.S. Patent Application No. 2005/0015760 to Ivanov et at. ("Ivanov"). Claims 38 and 41 depend from claims 1 and 15 and are allowable for at least the same reasons that claims 1 and 15 are allowable

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Tracy

Claims 27-30 and 33-34 are rejected under 35 U.S.C. § 103(a) as being patentable over Boyter in view of Liang and in further view of U.S. Patent No. 6,993,448 to Tracy et al. ("Tracy"). Claims 27-30 and 33-34 depend from claims 1 and 15 and are allowable for at least the same reasons that claims 1 and 15 are allowable.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Moore

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyter in view of Liang and in further view of U.S. Patent Application No. 2001/0047401 to Moore et al. ("Moore"). Claims 5 depends from claim 1 and is allowable for at least the same reasons that claim 1 is allowable.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Watkins

Claims 13, 19, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyter in view of Liang and further in view of U.S. Patent Application No. 20040268145to Watkins et al. ("Watkins"). Claims 13, 19, and 25

depend from claims 1, 15, and 21 and are allowable for at least the same reasons that claims 1, 15, and 21 are allowable.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Magdych

Claims 32 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyter in view of Liang and further in view of U.S. Patent No. 6,6546,49 to Magdych et al ("Magdych"). Claims 32 and 37 depend from claims 1 and 15 and are allowable for at least the same reasons that claims 1 and 15 are allowable.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang

Claims 39, 42, and 45 are rejected under 35 U.S.C S 103(a) as being upatentable over Boyter in view of Liang. Claims 39, 42, and 45 depend from claims 1, 15, and 21 and are allowable for at least the same reasons that claims 1, 15, and 21 are allowable.

Claim Rejections – 35 U.S.C. § 103: Boyter in view of Liang and Heintz

Claims 40, 43, and 46 are rejected under 35 U.S.C.§ 103(a) as being unpatentable over Boyter in view of Liang and in further view of U.S. Patent Application No. 2006/0010492 to Heintz et al ("Heintz"). Claims 40, 43, and 46 depend from claims 1, 15, and 21 and are allowable for at least the same reasons that claims 1, 15, and 21 are allowable.

CONCLUSION

For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicants invite the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

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